

“Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions.” 28

U.S.C. § 2241. To the extent, Gibbs argues that this court does not have jurisdiction over his § 2241 petition, he is incorrect. Gibbs remaining arguments in his objection lack merit. The undersigned is unable to discern what effect placing Gibbs's name in capital letters or using his last name to construe him as a person could possibly have on the outcome of his § 2241 petition. Gibbs's argument that municipal, state and county courts lack jurisdiction to hear any case is nonsense, and completely inapplicable to Gibbs's petition. Gibbs fails to explain how process in his case was not "regular on its face" or what implication that would have to his petition.

As to Gibbs's request for coram nobis relief, such writs must be issued by the district of conviction and sentence, not the district where Gibbs is incarcerated. See Greene v. United States, 448 F.3d 720, 720 (5th Cir. 1971)<sup>1</sup> ("[Petitioner] should have raised his contentions in the *sentencing* court, the only one which could grant relief in the nature of coram nobis relative to a criminal conviction."); see also United States v. Hayman, 342 U.S. 205, 222 n.36 (noting that "the Section 2255 motion was 'in the nature of' the coram nobis writ in the sense that a Section 2255 proceeding, like coram nobis, is an independent action brought in the court that entered judgment. Moreover, coram nobis relief is not available to a petitioner who remains in custody. United States v. Garcia, 181 F.3d 1274 (11th Cir. 1999); United States v. Brown, 117 F.3d 471, 475 (11th Cir. 1997); see also United States v. Peter, 310 F.3d 709, 712 (11th Cir. 2002) ("A writ of error coram nobis is a remedy to vacate a conviction when the petitioner has served his sentence and is no longer in custody, as is required for post-conviction relief

---

<sup>1</sup>In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

under 28 U.S.C. § 2255.”). Gibbs remains on supervised release, which constitutes custody. Brown, 117 F.3d at 475. Thus, Gibbs’s claims would fall under the purview of 28 U.S.C. § 2255, and this court lacks authority to hear such claims because it is not the sentencing court.

Gibbs’s Objections are completely without merit. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Gibbs’s petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. Gibbs’s Motion for Reversal is **DENIED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

**SO ORDERED**, this 13<sup>th</sup> day of May, 2010.

A handwritten signature in black ink, appearing to read 'L. Godbey Wood', written over a horizontal line.

LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA